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10/662,954	09/15/2003	Syed Mohammad Amir Husain	5602-12300	1057
<div>7590 07/09/2007</div> <div>Jeffrey C. Hood Meyertons, Hood, Kivlin, Kowert & Goetzel P.O. Box 398 Austin, TX 78767</div>			<div>EXAMINER</div> <div>NAUROT TON, JOAN</div>	
			<div>ART UNIT</div> <div>2154</div>	<div>PAPER NUMBER</div>
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,954

Applicant(s)

HUSAIN ET AL.

Examiner

Joan B. Naurot Ton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This first office action is in response to Application Number 10/662954, filed on

September 15, 2003

Specification

1. The attempt to incorporate subject matter into this application by reference to application number 09/179809, "A Technique to Transfer Multiple Information Streams Over a Wire or Wireless Medium" is ineffective because 09/179809 is an incorrect application number for this title.

Claim Objections

2. Claim 28 is objected to because of the following informalities:

In claim 28, line 3, the word "invokw" should be changed to --invoking--.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 12-22 are rejected because the claimed invention is directed to non-statutory subject matter. In this case, the carrier medium is directed towards "electromagnetic signals" (P 63 of the specification, first paragraph, next to last line). Electromagnetic signals and carrier waves fall into a non-statutory category.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 4, 11, 12, 15, 22, 23, 26, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abjanic et al, hereinafter referred to as Abjanic (US patent number 7111076, dated September 19, 2006, and filed on December 22, 2000), Helgeson et al, hereinafter referred to as Helgeson (US patent number 6643652, dated November 4, 2003, and filed on January 12, 2001), and Olsen et al, hereinafter referred to as Olsen (US patent number 5987376, dated November 16, 1999).

Regarding claims 1, 12, 23, 11, 22, and 33:

Abjanic discloses a method (method, claim 9), medium, (software in combination with hardware, Column 3, line 46) and system (System, title) comprising: generating a message from a source application on a first computer system; translating the message from an original format to a portable format (Abjanic discloses transforming from a first format to a second format, Column 11, line 41), thereby generating a portable message (Abjanic discloses using XML, in Column 11, line 59, which is a portable format), wherein the portable message comprises metadata which comprise identifying characteristics of the source application (In Figure 2, Abjanic discloses directing the message based on the XML data, e.g. the Business transaction information in the

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message, and in Claim 4, Abjanic discloses that his message comprises a schema); sending the portable message from the first computer system to a second computer system between the first computer system, the second computer system, and optionally one or more intermediary computer systems (Abjanic discloses forwarding the message to a destination processing node, Columns 12, last line, and Column 13, first line, and discloses interchanging "data with one or more remote servers" Column 3, line 35); receiving the portable message at the second computer system (destination processing node Column 13, first line); and routing the portable message to a target application on the second computer system (Abjanic discloses using the "business transaction information in a message ..." to make routing or switching decisions for the message" Column 5, lines 22-24, and sends the message to a second computer system, which is the "destination processing node" Column 13, first line).

Abjanic discloses all the limitations as discloses above except for performing the transformation on the first computer system, and making routing decisions based on metadata, and using peer to peer message passing.

Helgeson teaches transforming data on a first system. ("This data object is translated from the first system specific local format to a generic interchange format... which utilizes a native application programming interface of said first system." Column 2, lines 57-58, and 60-61)

The general concept of transforming data on a first system is well known in the art as illustrated by Helgeson which discloses transforming data on a first system.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Abjanic of his message transformation system, method, and medium to include the use of transforming the data on the first system in his advantageous method as taught by Helgeson in order to provide for "managing data exchange among systems in a network" as stated by Helgeson in his abstract.

Helgeson also teaches making routing decisions based on metadata. (Helgeson discloses that the "Persistence framework is highly flexible because it is metadata driven. Column 13, lines 26-27; ". It makes applications much easier to port between databases..." Column 13, lines 37-38 and also makes routing decisions based on an "Inbox ID" Column 109, line 50)

The general concept of routing based on metadata is well known in the art as illustrated by Helgeson which discloses routing decisions based on metadata in a data transfer system.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Abjanic of his message transformation method to include the use of routing decisions based on metadata in his advantageous method as taught by Helgeson in order to provide for "managing data exchange among systems in a network" as stated by Helgeson in his abstract.

Olsen teaches peer-to-peer message passing. ("Typically, the management of shared data in a distributed environment is accomplished...with peer-to-peer messaging." Column 2, lines 5-7.)

The general concept of providing peer-to-peer message passing is well known in the art as illustrated by Olsen which discloses peer to peer messaging in a shared data distributed environment.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Abjanic to include the use of peer to peer message passing in his advantageous method as taught by Olsen in order to provide for "distributing a common set of application data" and "manage shared application data" as stated by Olsen in his abstract and in column 2, line 56.

Regarding claims 4, 15, and 26:

Helgeson, Abjanic, and Olsen disclose the method, medium, and system further comprising: translating the portable message from the portable format to the original format on the second computer system. (Helgeson discloses translating "data from a system specific local format to a generic interchange format object, and vice versa, thus translating back to its original format.)

9. Claims 2, 3, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abjanic, Helgeson, and Olsen as applied to claims 1, 12, and 23 and further in view of Law (WO 02/32171 A1, filed on October 9th, 2001 with a priority date of October 9th, 2000, and published on April 18, 2002), Shaw et al, hereinafter referred to as Shaw (US patent number 6362836, dated March 26, 2002, and filed on March 31, 1999) and Chou et al, hereinafter referred to as Chou (US patent number 6247056, dated June 12, 2001)

Regarding claims 2, 13, and 24:

Abjanic, Helgeson, and Olsen discloses all the limitations of claims 2, 13, and 24 including routing portable messages except for:

determining an application type of the target application based on the metadata of the portable message; determining whether an existing instance of the application type of the target application is running on the second computer system; using the existing instance if the existing instance of the application type of the target application is running on the second computer system; and using a new instance of the target application if the existing instance of the application type of the target application is not running on the second computer system.

Law teaches determining an application type of the target application based on the metadata of the portable message (Law parses the message "to determine an application type" abstract, lines 3-4, which uses microdata which identifies the message as an MDS message, abstract, last three lines, in which Law's microdata can be thought of as a subset of metadata because it identifies the data and is data about data.)

The general concept of determining an application type based on the metadata is well known in the art as illustrated by Law who discloses determining an application type based on metadata in a portable message.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Abjanic, Helgeson, and Olsen of their portable, translatable message system, method and medium to include the use of determining an application type based on metadata in his advantageous method as taught by Law in order to

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provide for "processing a message containing application data" as stated by Law in his specification, page 1, line 2.

Shaw teaches determining whether an existing instance of the application type of the target application is running on the second computer system; and wherein using the existing instance if the existing instance of the application type of the target application is running on the second computer system. ("determining if an existing instance of the protocol engine for the requested application program type is in place and if it is, using the existing instance of the protocol engine" Claim 18)

The general concept of determining whether there is an existing instance and using an existing instance of an application type is well known in the art as illustrated by Shaw who discloses using an determining if there is an existing instance, and then using it in a data delivery system.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Abjanic, Helgeson, and Olsen of their portable message translation method, medium, and system to include the use of determining existing instances and using them in his advantageous method as taught by Shaw in order to "provide the controlled delivery of computer based application programs...to a number of users" as stated by Shaw in his abstract, lines 4-6.

Chou teaches the limitations wherein using a new instance of the target application if the existing instance of the application type of the target application is not running on the second computer.

(Chou "initiates a new instance of C1 on one of the possible host machines," if there are no existing instances available for use. Columns 9 64-65 and 10, lines 3-5, which implies that the existing instance was not available on a second computer)

The general concept of using a new instance if the existing instance is not running on a second computer is well known in the art as illustrated by Chou who discloses using a new instance .

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Abjanic, Helgeson, and Olsen of their portable message translation method, medium, and system to include the using a new instance in his advantageous method as taught by Chou in order to "...send messages through the inter-machine communication mechanism to the instances..." as stated by Chou in his abstract, next to last sentence.

10. Claims 3, 14, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abjanic, Helgeson, and Olsen as applied to claims 1, 12, and 23 above, and further in view of Ozzie et al, hereinafter referred to as Ozzie (WO 01/06365 A2, published on January 25, 2001).

Regarding claims 3, 14, and 25:

Abjanic, Helgeson, and Olsen disclose all the limitations of claims 3, 14, and 25 except for delivering a payload of the message to the target application.

Ozzie teaches message payload delivery to a target application. ("In addition to the outbound message queue structure 904, ...includes... a message payload...with delivery endpoints for resource handling" Column 27, lines 25-27).

The general concept of delivering a message payload to a target application is well known in the art as illustrated by Ozzie who discloses a message payload being delivered to a target application.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Abjanic, Olsen, and Helgeson of their portable message translation method, medium, and system to include the use of delivering a message payload to a target application in his advantageous method as taught by Ozzie in order to provide "data change requests..." which are "communicated over a network" as stated by Ozzie in his abstract, lines 3-4.

11. Claims 5, 16, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helgeson, Olsen, and Abjanic as applied to claims 1, 12, and 23 above, and further in view of Aldred et al, hereinafter referred to as Aldred (US patent number 5539886, dated July 23, 1996)

Regarding claims 5, 16, and 27:

Abjanic, Helgeson, and Olsen disclose all the limitations of the method, medium, and system comprising: wherein the source application is network-unaware .

Aldred teaches source applications which are network unaware. ("The support system provides facilities which permit unaware applications to be used for collaborative working". Column 15, lines 63-64).

The general concept of providing a source application which is network unaware is well known in the art as illustrated by Aldred who discloses a network unaware source application in a collaborative working network.

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It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Abjanic, Helgeson, and Olsen of their portable message translation method, medium, and system to include the use of network unaware source applications in his advantageous method as taught by Aldred in order to interface with application programs as stated by Aldred in his abstract, line 5.

12. Claims 6, 7, 16, 18, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helgeson, Olsen, and Abjanic as applied to claims 1, 12, and 23 above, and further in view of Harvey et al, hereinafter referred to as Harvey (US patent number 6487583, dated November 26, 2002, and filed on February 25, 2000).

Regarding claims 6, 16, and 28:

Helgeson, Abjanic, and Olsen disclose all the limitations of claims 6, 16, and 28 except for invoking functionality of the second computer system in response to the message.

Harvey teaches invoking functionality on a second computer system in response to the message. ("The chat room is preferably invoked through an application object obtained from the executable component emailed to the user at Computer 110 and executed locally at Computer 110. The chat room application object preferably resides at a central controller module 115." Column 25, lines 39-41)

The general concept of invoking functionality on a second computer is well known in the art as illustrated by Harvey who discloses invoking functionality in a chat room application.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Helgeson, Abjanic, and Olsen of their portable message translation method, medium, and system to include the use of invoking functionality on a second computer system in his advantageous method as taught by Harvey in order to “distribute, initiate, and allow interaction and communication... which contains... a message component” as stated by Harvey in his abstract, lines 3-4, and 6).

Regarding claims 7, 18, and 29:

Abjanic, Helgeson, and Olsen disclose all the limitations except for wherein the invoking functionality on the second computer system comprises instructing the target application to take one or more actions.

Harvey teaches the method, medium, and system, wherein the invoking functionality on the second computer system comprises instructing the target application to take one or more actions. (“The chat room is preferably invoked through an application object obtained from the executable component emailed to the user at Computer 110 and executed locally at Computer 110. The chat room application object preferably resides at a central controller module 115”, with the action taken being starting a chat room operation, Column 25, lines 39-41)

The general concept of invoking functionality on a second computer is well known in the art as illustrated by Harvey who discloses invoking functionality in a chat room application and operation.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Helgeson, Abjanic, and Olsen of their portable message translation

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method, medium, and system to include the use of invoking functionality on a second computer system and taking one or more actions in his advantageous method as taught by Harvey in order to "distribute, initiate, and allow interaction and communication...which contains...a message component" as stated by Harvey in his abstract, lines 3-4, and 6).

13. Claims 8, 19, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helgeson, Abjanic, and Olsen as applied to claims 1, 12, and 23 above, and further in view of Traversat et al, hereinafter referred to as Traversat (US patent number 7167920, dated January 23, 2007, and filed on January 22, 2002, with provisional applications filed in 2001)

Regarding claims 8, 19, and 30:

Abjanic, Helgeson, and Olsen disclose all the limitations of claims 8, 19, and 30 except for using multicast peer-to-peer messaging.

Traversat teaches multicast peer-to-peer messaging. ("...the peer may want to multicast a message to a subset of the current worldwide peer group...", Column19, lines 10/662933-35).

The general concept of providing multicast peer-to-peer messaging is well known in the art as illustrated by Traversat who discloses multicast peer-to-peer messaging in peer to peer networking environment.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Helgeson, Abjanic, and Olsen of their portable message translation method, system, and medium to include the use of multicast peer to peer messaging in

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his advantageous method as taught by Traversat in order to provide for "sending and receiving messages...between...applications..." as stated by Traversat in his abstract, lines 4-5.

14. Claims 9, 20, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helgeson, Olsen, and Abjanic as applied to claims 1, 12, and 23 above, and further in view of Gupta et al (US patent number 7051102, dated May 23, 2006, and filed on April 29, 2002)

Regarding claims 9, 20, and 31:

the method, medium, and system, wherein the portable message is sent from the first computer system to the second computer system and one or more additional computer systems using broadcast peer-to-peer messaging.

Gupta teaches peer-to-peer broadcast messaging. (Therefore, when this multicast/broadcast method is required, the security infrastructure of the present invention causes the node to randomly select one of the nodes who responded to the broadcast discovery...message", Column 18, lines 2-7.)

The general concept of providing a broadcast peer-to-peer messaging is well known in the art as illustrated by Gupta who discloses a broadcast peer-to-peer messaging in a peer-to-peer communication method.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Abjanic, Helgeson, and Olsen of their message translation system to include the use of sending the data by peer to peer broadcasting in his advantageous

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method as taught by Gupta in order to enable "successful operation of these peer-to-peer networks" as stated by Gupta in Column 1 of the specification, lines 31-32.

15. Claims 10, 21, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abjanic, Helgeson, and Olsen as applied to claims 1, 12, and 23 above, and further in view of Bentall et al, hereinafter referred to as Bentall (US patent number 6282170, dated August 28, 2001).

Regarding claims 10, 21, and 32:

Abjanic, Helgeson and Olsen discloses all the limitations as disclosed above except for wherein there are a quantity of allowable network hops before the message is considered undeliverable.

Bentall teaches discarding a message after too many hop counts, thus considering the message undeliverable. ("Obviously the search is soon relinquished since a node can terminate a message if it has a hop count greater than the lowest count received." Column 12, lines 38-40)

The general concept of discarding a message after too many hop counts is well known in the art as illustrated by Bentall who discloses a discarded message which is deemed undeliverable after too many hop counts in an information passing process.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify of Helgeson, Abjanic, and Olsen to include the use of considering a message undeliverable after too many hop counts in his advantageous method as taught by Gupta in order to provide for "passing communication between one node and another node" as stated by Bentall in Column 1, lines 2-3.

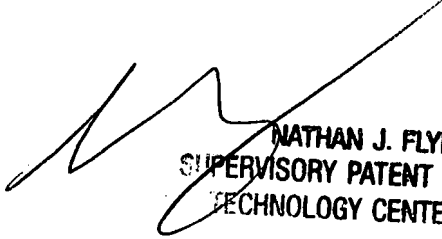
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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joan B. Naurot Ton whose telephone number is 571-270-1595. The examiner can normally be reached on M-Th 9 to 6:30 (flex sched) and alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-270-2595.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBNT



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Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/21/2004, 11/26/2004, 08/16/2004.